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*Kevin L. Smith*

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of the supreme court,  
court of appeals and  
tax court

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**IN THE  
COURT OF APPEALS OF INDIANA**

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No. 02A03-0805-CR-228

STATE OF INDIANA,  
Appellee-Plaintiff.

APPEAL FROM THE ALLEN SUPERIOR COURT  
The Honorable Robert J. Schmoll, Magistrate  
Cause No. 02D04-0710-FD-830

**MARCH 12, 2009**

**GARRARD, Senior Judge**

## STATEMENT OF THE CASE AND ISSUE

Defendant-Appellant Jonathan L. Benson appeals the sentence imposed after he plead guilty to possession of marijuana, a Class D felony. We dismiss.

## DISCUSSION AND DECISION

Following his guilty plea, Benson was given an executed sentence of 1½ years, with credit for 143 days already served. He was released from the Department of Correction on August 6, 2008.

Benson's appeal does not challenge the validity of his guilty plea. He contends, instead, that the trial court abused its discretion when it imposed the advisory sentence for his offense.

Because Benson has already been discharged, his challenge to his sentence is moot. *See Lee v. State*, 816 N.E.2d 35, 40 n. 2 (Ind. 2004); *Irwin v. State*, 744 N.E.2d 565, 568 (In. Ct. App. 2001); *Richardson v. State*, 402 N.E.2d 1012, 1013 (In. Ct. App. 1980). This is so because no relief can be granted inasmuch as he has already served his sentence and received good time credit.

## CONCLUSION

For the aforementioned reason, this appeal must be dismissed as moot.

Dismissed.

DARDEN, J., and VAIDIK, J., concur.